IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2097 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/08/2004 in WP NO: 29065 OF 1998 on the file of the High Court.)

Between:

1 The Zonal Manager, Food Corporation of India, Haddows Road,

Chennai.
2 The Senior Regional Manager, Food Corporation of India, HACA

Bhavan, Hyderabad.

APPELLANTS

AND

Geeta Bai, W/o. Late B. Prakash,
R/o. Jhansi Chowrasi, Hyderabad.

RESPONDENT

Counsel for the Appellants :MR.MEHERCHAND NORI

Counsel for the Respondent: MR.V.VISWANATHAM

The Court at the admission stage made the following:

JUDGMENT : (Per Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the Food Corporation-appellants herein aggrieved by the order in W.P. No: 29065 of 1998, under which the learned single Judge disposed of the said writ petition.

The respondent herein is the writ petitioner. Originally, the writ petitioner-respondent who has been working as Scavenger in the office of the 2nd respondent-Senior Regional Manager was appointed in the vacancy arose due to the death of her mother. Though she worked for more than 12 years as on the date of filing of the writ petition, her services have not yet been regularized and she is being continued on a consolidated basis with a meagre salary. In this background of the matter, she has filed the present writ petition in W.P.No:29065 of 1998. The learned single Judge having considered the rival contentions and the material available on record, disposed of the matter with a direction to the Food Corporation-appellants to consider the case of the writ petitioner for regularization of her services in the post of Scavenger (Category IV) by seeking relaxation of the ban imposed, if any, from the Government of India. Aggrieved by the same, the Food Corporation-appellants preferred this appeal.

Heard the learned counsel.

It is contended by the learned counsel for the appellants that the post in question is not a sanctioned one and apart from that, in view of the ban imposed by the Central Government, the authorities are not able to regularise the service of the writ petitioner.

On the other hand, it is vehemently contended by the learned counsel for the writ petitioner that in view of the long service of the writ petitioner, her case may be considered with a consequential direction to regularise the services.

We have perused the order impugned and the entire material available on record.

The learned single Judge observed that it is not the case of the Food Corporation-appellants that the writ petitioner was appointed either irregularly or

was not eligible for being appointed as Scavenger. Therefore, the case of the writ petitioner should be considered as a special case considering her long service of 18 years and also age of 52 years. Consequently, the learned single Judge directed the Food Corporation-appellants to consider the case of the writ petitioner for regularization of her services in the post of Scavenger (Category IV).

In view of the considerable services rendered by the writ petitioner for a period of 18 years and considering the present age of 52 years of the writ petitioner and in the present facts and circumstances of the case, We feel that the order of the learned the learned single Judge, is justified. But, however, we modify the order of the learned single Judge to the extent as indicated below:

> *" the writ petitioner shall be continued in the same post on the same terms and conditions and as and when there is relaxation of ban imposed by the Government of India, the Food Corporation-appellants-corporation shall consider the case of the writ petitioner on a preferential basis for regularisastion."*

Subject to the above modification, the writ appeal is disposed of. No costs.

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Justice T.Meena Kumari

Date : 19th January, 2005

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Justice S.Ananda Reddy

Dvs/Gurc.

Copies to :

1. The Zonal Manager, Food Corporation of India, Haddows Road,

Chennai.

2 The Senior Regional Manager, Food Corporation of India, HACA

Bhavan, Hyderabad.

3. Two CD copies.

THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A. No. 2097 of 2004

(Judgment delivered by the Honourable

Smt.Justice T. Meena Kumari)

19th January, 2005